

Senate File 533

S-3319

1 Amend Senate File 533 as follows:

2 1. Page 33, after line 17 by inserting:

3 <DIVISION
4 DOMESTIC ABUSE ASSAULT

5 Sec. _____. Section 236.12, subsection 2, Code 2011,
6 is amended by adding the following new paragraphs:

7 NEW PARAGRAPH. e. Except as otherwise provided in
8 subsection 3, a peace officer shall, with or without
9 a warrant, arrest a person under section 708.2A,
10 subsection 2, paragraph "d", if, upon investigation,
11 including a reasonable inquiry of the alleged victim
12 and other witnesses, if any, the officer has probable
13 cause to believe that a domestic abuse assault has been
14 committed by knowingly impeding the normal breathing
15 or circulation of the blood of another by applying
16 pressure to the throat or neck of the other person or
17 by obstructing the nose or mouth of the other person.

18 NEW PARAGRAPH. f. Except as otherwise provided in
19 subsection 3, a peace officer shall, with or without
20 a warrant, arrest a person under section 708.2A,
21 subsection 4A, if, upon investigation, including a
22 reasonable inquiry of the alleged victim and other
23 witnesses, if any, the officer has probable cause
24 to believe that a domestic abuse assault has been
25 committed by knowingly impeding the normal breathing
26 or circulation of the blood of another by applying
27 pressure to the throat or neck of the other person or
28 by obstructing the nose or mouth of the other person,
29 and causing bodily injury.

30 Sec. _____. Section 236.12, subsection 3, Code 2011,
31 is amended to read as follows:

32 3. As described in subsection 2, paragraph "b",
33 "c", or "d", "e", or "f", the peace officer shall
34 arrest the person whom the peace officer believes
35 to be the primary physical aggressor. The duty of
36 the officer to arrest extends only to those persons
37 involved who are believed to have committed an assault.
38 Persons acting with justification, as defined in
39 section 704.3, are not subject to mandatory arrest. In
40 identifying the primary physical aggressor, a peace
41 officer shall consider the need to protect victims of
42 domestic abuse, the relative degree of injury or fear
43 inflicted on the persons involved, and any history
44 of domestic abuse between the persons involved. A
45 peace officer's identification of the primary physical
46 aggressor shall not be based on the consent of
47 the victim to any subsequent prosecution or on the
48 relationship of the persons involved in the incident,
49 and shall not be based solely upon the absence of
50 visible indications of injury or impairment.

1 Sec. _____. Section 702.11, subsection 2, Code 2011,
2 is amended by adding the following new paragraph:
3 NEW PARAGRAPH. *g.* Domestic abuse assault in
4 violation of section 708.2A, subsection 4A.
5 Sec. _____. Section 708.2A, subsection 2, Code 2011,
6 is amended by adding the following new paragraph:
7 NEW PARAGRAPH. *d.* An aggravated misdemeanor, if
8 the domestic abuse assault is committed by knowingly
9 impeding the normal breathing or circulation of the
10 blood of another by applying pressure to the throat or
11 neck of the other person or by obstructing the nose or
12 mouth of the other person.
13 Sec. _____. Section 708.2A, Code 2011, is amended by
14 adding the following new subsection:
15 NEW SUBSECTION. 4A. For a domestic abuse assault
16 committed by knowingly impeding the normal breathing
17 or circulation of the blood of another by applying
18 pressure to the throat or neck of the other person or
19 by obstructing the nose or mouth of the other person,
20 and causing bodily injury, the person commits a class
21 "D" felony.>
22 2. By renumbering as necessary.

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